IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 825 of 2005

Between:

1) S. Joga Rao S/o Somasunder Rao
Hindustan Aeronautic Employees Coop. Housing

Society Limited, (HAECHSL) R/o H. NO. 9-128, Malakajigiri,
Hyderabad(Membership No.377)

2) K. Krishna S/o Nagaiah Membership No. 151

(HAECHSL) R/o H. No. 6-273/1, Indrasingh Nagar,
Chintal, Hyderabad
3) B. Narender, S/o Sangappa
R/o H. No. 1-4-27/72/137, Padmashalee Colony,

Bolakpur, Hyderabad
4) G.P. Shivanand S/o Pentaiah(Membershi No.455)
R/o H. NO. 6-4-304, Bolakpur, Hyderabad
5) K. Vittal Rao S/o Gunde Rao
R/o 17-84, Gurumurthy Nagar, Opp: IDPL Colony,

Hyderabad (Membership No.307)
6) G.P. Babu Rao S/o Pentaiah
R/o 1-4-63/6B, Bolakpur, Hyderabad
7) N. Krupa Rao S/o Govind, Membership No.611
R/o 6-5-115/1, Balanagar, Hyderabad

.... PETITIONERS

AND

1 The District Cooperative Officer/District Election

Authority, Ranga Reddy District
2 The District Cooperative Officer, Ranga Reddy District,

Samrat complex, Opp R.B.I. Hyderabad
3 The Divisional Cooperative Officer, Hyderabad (West)

Division, Ranga Reddy District
4 The Election Officer, Hindustan Aeronautics Employees

Cooperative Housing Society Limited O/o District

Coop. Officer, Ranga Reddy District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particulalry one in the nature of Writ of Mandamus questioning the action of the respondents in not following rules under A.P.C.S. Act for conducting the elections to the Hindusthan Auronatics Employees Coop. Housing Society Ltd., and trying to conduct the elections with bogus members without finalizing and furnishing the voters list by calling for the objections as highly illegal arbitrary and seeking consequential direction to conduct the elections as per due process of law under Rule 22(2) (b) of the A.P.C.S. Act by preparing the list of voters by the person-in-charge.supervisory Officer, basing on the directions of this Hon'ble Court in W.P. No. 24369/2004 dt 29-12-2004 and pass such other order or orders.

Counsel for the Petitioner: MR.M.R.TAGORE

Counsel for the Respondents: GP FOR COOPERATION

The Court at the admission stage, made the following:

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ORDER: -

The petitioners claim to be the members of Hindustan Aeronautics Employees Cooperative Housing Society Limited. They seek a writ of *Mandamus* declaring the action of the respondents in not following the relevant provisions in the matter of conducting elections to the managing committee of the Society. The petitioners allege that the persons, who are managing the affairs of the society, have included several ineligible persons as members and on the basis of the voters list so prepared elections are being conducted.

2. Heard learned counsel for the petitioners and learned Government Pleader for Cooperation.

3. In the affidavit filed in support of the writ petition, the petitioners referred to several instances of alleged irregularities said to have been committed by the persons in charge. It is impermissible for this Court to deal with the same in this writ petition. It is not in dispute that the election notification was issued, way back, on 17.12.2004. On an earlier occasion, the matter relating to the elections to the Society was dealt with by this Court in W.P.No.24369 of 2004. While disposing of the writ petition on 29.12.2004, this Court directed that the elections shall be held under the supervision of an official, in view of the allegations made by certain members against the persons in charge.

4. The petitioners contend that the voters list prepared by the Ex. Chairman, is contrary to the provisions of the A.P. Cooperative Society Act and the Rules made thereunder. If the petitioners have any grievance about the same and are of the view that elections are vitiated in any manner on account of any defect in the voters list, they can certainly assail the very election. It is settled principle of law that once the election process is set in motion, it cannot be interdicted.

5. Hence the writ petition is dismissed. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated: 28.01.2005.

To

1 The District Cooperative Officer/District Election

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5. 2 CCs to G.P for Cooperation, High Court Bldgs,Hyd.(OUT)

6. 2 CD copies.

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